

ECF

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on
SEPTEMBER 11, 2001

03 MDL 1570 (RCC)
ECF Case

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This document relates to:

Estate of John P. O'Neill, et al v. Al Baraka Inv. & Dev. Corp., et al, 04-CV-1923 (RCC)

**AMENDED STIPULATION AND ORDER
SETTING FORTH DISCOVERY AND BRIEFING SCHEDULE**

IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel for Plaintiffs and for Defendant, Rabita Trust, subject to the approval of the Court, the following terms:

1. On March 1, 2005, the Court approved a Stipulation and Order ("First Stipulation"), between the O'Neill Plaintiffs and Rabita Trust, for Service of Process and Setting Schedule for Rabita Trust to Respond to the First Amended Complaint.
2. The First Stipulation provided that Martin F. McMahon & Associates would accept service on behalf of Rabita Trust in the above-referenced case.
3. The First Stipulation further provided that Rabita Trust had "sixty (60) days from the date on which the Court decides Rabita Trust's pending motions to dismiss in *Kathleen Ashton, et al. v. Al Qaeda Islamica Army, et al.* (02-CV-6977), *Burnett, et al. v. Al Baraka Investment and Development Corporation, et al.* (03 CV 9849) and *Federal Insurance Company, et al. v. Al Qaida, et al.* (03-CV-6978) to move to dismiss or answer the Second Amended Complaint."
4. The First Stipulation further provided that Plaintiffs shall have sixty (60) days to respond to Rabita Trust's motion to dismiss to serve its opposition to same or to respond, if required, to the answer. And that Rabita Trust shall have thirty (30) days to reply.

5. On September 21, 2005, Judge Richard Conway Casey, denied Rabita Trust's motions to dismiss the complaints for failure to state a claim, without prejudice, and ordered jurisdictional discovery related to the personal jurisdiction of Rabita Trust in *Ashton, Burnett and Federal*,

6. The O'Neill Plaintiffs and Rabita Trust agree that the above-referenced case will become part of the jurisdictional discovery, which is being conducted pursuant to the September 21, 2005 Opinion and Order.

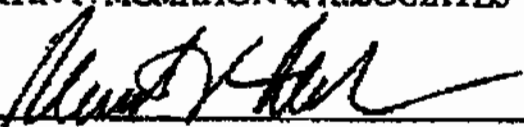
7. If at the close of discovery Rabita Trust wishes to renew its motion to dismiss against *Burnett, Ashton, and Federal*, the O'Neill Plaintiffs should be included in such motion.

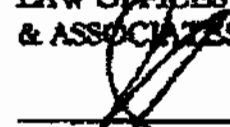
8. If Rabita Trust does not file a motion to dismiss after jurisdictional discovery is complete, Rabita Trust will file an answer to the O'Neill Plaintiffs First Consolidated Complaint in the above-referenced case within sixty (60) days of the close of discovery.

Respectfully submitted,

MARTIN F. MCMAHON & ASSOCIATES

LAW OFFICES OF JERRY S. GOLDMAN
& ASSOCIATES, P.C.


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Dated: June 24, 2006

Dated: June 22, 2006

Counsel for Defendants
Rabita Trust

Counsel for Plaintiffs

Dated: New York, New York
August 16, 2006

SO ORDERED:



Richard C. Casey
U.S.D.J.